

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FREDDIE SAMS,

Plaintiff,

v.

Civil Action 2:19-cv-5330
Chief Judge Algenon L. Marbley
Magistrate Judge Chelsey M. Vascura

FRANKLIN COUNTY, OHIO, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

On August 17, 2020, the Court ordered Plaintiff to show cause within fourteen days why the claims against Defendants Flores, Levering, New-Berry, and Sumo should not be dismissed for failure to prosecute based on his failure to timely effect service over the Defendants. (Show Cause Order, ECF No. 32.) To date, Plaintiff has not made proof of service to the Court as required by Federal Rule of Civil Procedure 4(l) or responded in any way to the Show Cause Order.

In the Show Cause Order, Plaintiff was previously cautioned that he needed to explain “why the Court should not dismiss [Plaintiff’s] claims against Defendants Flores, Levering, New-Berry, or Sumo without prejudice for failure to effect service.” (ECF No. 32.) Plaintiff has failed to give any explanation or offer proof of service. It is therefore **RECOMMENDED** that Plaintiff’s claims against Defendants Flores, Levering, New-Berry, and Sumo be **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4(m) for failure to timely effect service.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ *Chelsey M. Vascura*
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE